

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARREN JOHNSON, #753595,

Plaintiff,

v.

CASE NO. 2:12-CV-12878
HONORABLE DENISE PAGE HOOD

OFFICER KUEHNE, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION TO WAIVE THE FILING FEE

Michigan prisoner Darren Johnson ("Plaintiff") filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 against two state prison employees challenging prison misconduct violations that resulted in a 20-day loss of privileges and seeking monetary damages for mental distress and psychological injury. Plaintiff was granted leave to proceed without prepayment of the filing fee. The Court subsequently dismissed the complaint pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b) for failure to state a claim upon which relief may be granted and concluded that an appeal could not be taken in good faith.

This matter is before the Court on Plaintiff's request to waive the filing fee for his action, essentially seeking to absolve himself from paying the full \$350.00 filing fee due to other debts. Under the Prison Litigation Reform Act ("PLRA"), a prisoner who qualifies to proceed *in forma pauperis* in a civil rights action is still liable for the civil action filing fee and must pay the fee through partial payments as outlined in 28 U.S.C. § 1915(b). The PLRA does not allow any exemptions to the requirement that an indigent prisoner pay the filing fee over time, nor does it provide for a waiver or extended delay in paying the fee. *See White v. Paskiewicz*, 89 F. App'x 582, 584 (6th Cir. 2004) (citing *In re Prison Litigation Reform Act*, 105 F.3d 1131, 1133-34 (6th

Cir.1997)); *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997)). Plaintiff is liable for the full filing fee, to be paid in installments, even though he was granted *in forma pauperis* status and his complaint was dismissed. Plaintiff's motion is therefore **DENIED**.

IT IS SO ORDERED.

S/Denise Page Hood

Denise Page Hood

United States District Judge

Dated: May 6, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 6, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager